

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Primerica Life Insurance Company,

Civil No. 15-2858 (DWF/JJK)

Plaintiff,

v.

ORDER FOR JUDGMENT

Dianne L. Iberling (formerly known as Dianne L. Berry); Lori Ann Barbknecht (formerly known as Lori Ann Berry); the Estate of John Bertagnolli (formerly known as John F. Berry), by its Personal Representative; and the Estate of Jody Bertagnolli, by its Personal Representative,

Defendants.

This matter came before the Court on the Motion of Lori Ann Barbknecht, formerly known as Lori Ann Berry, for a default decision or, in the alternative, summary judgment. Plaintiffs were represented by Kenneth R. White and Kent D. Rossi. Primerica Life Insurance Company was represented by William D. Hittler. Based upon the complete file, records, and proceedings in this matter, the Court issues the following:

FINDINGS OF FACT

1. Defendant Lori Ann Barbknecht is the designated beneficiary of the life insurance policy at issue in this litigation.
2. Defendant Lori Ann Barbknecht is the sole and exclusive beneficiary under the life insurance policy at issue in this litigation.

3. Primerica Life Insurance Company has no interest in the beneficiary of the policy at issue in this litigation.

4. All other possible claimants are in default or have been previously dismissed by Court Order.

Based upon these Findings, **IT IS HEREBY ORDERED** that:

1. The Motion by Defendant Lori Ann Barbknecht (formerly known as Lori Ann Berry) for Default or in the Alternative Summary Judgment (Doc. No. [38]) is **GRANTED IN PART**. The Court grants the Motion to the extent that it requests entry of a default judgment against The Estate of John Bertagnolli (formerly known as John F. Berry), by its Personal Representative; and against The Estate of Jody Bertagnolli, by its Personal Representative.

2. Defendant Lori Ann Barbknecht is entitled to a default judgment against The Estate of John Bertagnolli (formerly known as John F. Berry), by its Personal Representative; and The Estate of Jody Bertagnolli, by its Personal Representative.

3. Defendant Lori Ann Barbknecht is entitled to judgment as the sole and exclusive beneficiary under the life insurance policy at issue in this litigation.

4. Primerica Life Insurance Company and Dianne L. Iberling (formerly known as Dianne L. Berry) have been dismissed from this action with prejudice and without costs, disbursements or attorney fees to any party through other Orders in this case.

5. The Clerk of Court shall pay the full amount of the net proceeds of the funds deposited by Primerica into the Court Registry to Lori Ann Barbknecht by issuing

payment to “The Law Office of Kent D. Rossi Trust Account,” after the 14-day automatic stay.

6. This matter is **DISMISSED WITH PREJUDICE** and without attorney fees, costs, or disbursements to any party.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: December 16, 2015

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge